

1 SENATE JOINT MEMORIAL 61

2 47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

3 INTRODUCED BY

4 Leonard Tsosie

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10 A JOINT MEMORIAL

11 REQUESTING A STUDY OF INCLUDING TRIBAL LAW ENFORCEMENT, FIRE
12 DEPARTMENTS AND OTHER FIRST RESPONDER DEPARTMENTS AS PUBLIC
13 EMPLOYERS IN THE PUBLIC EMPLOYEES RETIREMENT SYSTEM.

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15 WHEREAS, at this time, tribal governments are not included
16 as public employers qualified to join the public employees
17 retirement association; and

18 WHEREAS, as a result, tribal public safety officers are
19 not employees who are included in the Public Employees
20 Retirement Act; and

21 WHEREAS, tribal public safety operations have become a
22 training ground for individuals because higher net pay from
23 state or local police or firefighting agencies that do provide
24 benefits through the Public Employees Retirement Act lure
25 tribal public safety officers away from tribal employment; and

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1 WHEREAS, the inequity of pay and benefits impacts every
2 tribal community's ability to recruit and retain first
3 responders, and also has an impact on the morale of tribal
4 community law enforcement officers, firefighters and other
5 first responders who respond immediately to state and local
6 needs on a regular basis through established mutual aid
7 agreements; and

8 WHEREAS, tribal first responders work shoulder-to-shoulder
9 with state and local responders in the harshest of conditions
10 and perform the same duties but do not enjoy the same benefits,
11 such as the retirement program that state law enforcement
12 officers enjoy through membership in the public employees
13 retirement association; and

14 WHEREAS, allowing tribal police, firefighters and other
15 first responders to be included in the public employees
16 retirement association programs would encourage employees to
17 remain employed by tribes and give the tribes a fighting chance
18 to recruit and compete for these employees; and

19 WHEREAS, state law would have to be changed to permit
20 tribal law enforcement departments, fire departments and
21 emergency medical services to join the public employees
22 retirement association; and

23 WHEREAS, in 2004, the state of Arizona adopted legislation
24 allowing tribal law enforcement departments to participate in
25 its state public safety personnel retirement system; and

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